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# IN THE HIGH COURT OF JUDICATURE AT PATNA

**Civil Writ Jurisdiction Case No.8215 of 2003**

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Govind Jee Mishra, son of Late R.K.Mishra resident of Rajivnagar, Road No. 14 P.S. Patliputra, District Patna

.... .... Petitioner/s

Versus

1. The Bihar State Electricity Board through its Chairman, Bailey Road, Patna
2. The Chairman, Bihar State Electricity Board, Bailey Road, Patna
3. The Secretary, Bihar State Electricity Board, Bailey Road, Patna
4. The Financial Controlloer ( Audit) Bihar State Electricity Board, Bailey Road, Patna.
5. The Electrical Superintending Engineer Patna Electrical Circle, R-Block, Patna

.... .... Respondent/s

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with

**Civil Writ Jurisdiction Case No.14457 of 2002**

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Shri Niwas Sinha Son of Late Jagdeo Prasad resident of village Nandanwan, P.S. District Rohtas

.... .... Petitioner/s

Versus

6. The Bihar State Electricity Board through its Chairman, Bailey Road, Patna
7. The Chairman, Bihar State Electricity Board, Bailey Road, Patna
8. The Secretary, Bihar State Electricity Board, Bailey Road, Patna
9. The Financial Controlloer ( Audit) Bihar State Electricity Board, Bailey Road, Patna.
10. The Electrical Superintending Engineer Patna Electrical Circle, R-Block, Patna

.... .... Respondent/s

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with

**Civil Writ Jurisdiction Case No.14154 of 2003**

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Md. Ali Imam, son of late Md. Alamat Hussain resident of village and PO Lai, Police Station Bihta, District Patna

.... .... Petitioner/s

Versus

11. The Bihar State Electricity Board through its Chairman, Bailey Road, Patna
12. The Chairman, Bihar State Electricity Board, Bailey Road, Patna
13. The Secretary, Bihar State Electricity Board, Bailey Road, Patna
14. The Financial Controlloer ( Audit) Bihar State Electricity Board, Bailey Road, Patna.
15. The Electrical Superintending Engineer Patna Electrical Circle, R-Block, Patna

.... .... Respondent/s

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with

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**Civil Writ Jurisdiction Case No.12269 of 2002**

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Badri Pandit, son of lat Dhari Pandit resident of Village Sipara, PO Dhelwan, P.S. Phulwari, District, Patna

.... .... Petitioner/s

Versus

16. The Bihar State Electricity Board through its Chairman, Bailey Road, Patna
17. The Chairman, Bihar State Electricity Board, Bailey Road, Patna
18. The Secretary, Bihar State Electricity Board, Bailey Road, Patna
19. The Financial Controlloer ( Audit) Bihar State Electricity Board, Bailey Road, Patna.
20. The Electrical Superintending Engineer Patna Electrical Circle, R-Block, Patna

.... .... Respondent/s

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**Appearance :**

(In CWJC No.8215 of 2003)

For the Petitioner/s : Mr. Kumar Ravish

For the Respondent/s : Mr. Vinay Kirti Singh, Addl. S.C With Vijay Kumar Verma

(In CWJC No.14457 of 2002)

For the Petitioner/s : Mr. Kumar Ravish

For the Respondent/s : Mr. Vinay Kirti Singh, Addl. S.C. With Mr. Vijay Kumar Verma

(In CWJC No.14514 of 2003)

For the Petitioner/s : Mr. Kumar Ravish

For the Respondent/s : Mr. Vinay Kirti Singh, Addl. S.C. With Mr. Vijay Kumar Verma

(In CWJC No.12269 of 2002)

For the Petitioner/s : Mr. Kumar Ravish

For the Respondent/s : Mr. Vinay Kirti Singh, Addl. S.C With Mr. Vijay Kumar Verma.

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**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH**

ORAL ORDER

7 13-03-2014 1. It is stated on behalf of the petitioners that the grievance raised in the present writ applications are squarely covered by an order of this Court dated 13.5.2011 in case of Nawal Kishore Prasad Vs. Bihar State Electricity Board reported

in 2012 (3) PLJR 269, paragraphs 14 and 15 of which reads thus:-

> "14. In my view, the clarificatory circular dated 9.9.1983 would lead to the conclusion that the grant of benefit of fixation of pay on promotion under the Standing Order No. 125 dated 7.5.1983 has to be made in accordance with the Board's office Order No. 4562 dated 19.11.1974 and thus the salutary principle laid down in the Office order dated 19.11.1974 should also be applied so that if an employee has received promotion before 7.5.1983, as in the case of the petitioner who had received promotion to the post of Accounts Assistant in 1980, then he ought to be granted double pay fixation benefit from 7.5.1983 so that he would be entitled to the benefit of the re-fixation of the pay on the higher post by adding 12% subject to maximum Rs. 150/- to the pay he would have drawn on the lower post on that date. The application of the said principle is not only in keeping with the different circulars of the Board but also in accordance with the principle of equality under Articles 14 and 16 of the Constitution.
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> 15. Thus, in the light of the aforesaid reading of the different circulars of the Board, this Court is of the view that the petitioner is entitled to double pay fixation benefit with effect from 7.5.1983 when the Board's Circular No. 125 dated 7.5.1983 was issued. In that view of the matter, the impugned order dated 30.6.2010 cannot be allowed to stand and it is accordingly quashed. The authorities of the respondent Board are directed to re-fix the pay of the petitioner by giving him double pay fixation benefit with effect from 7.5.1983 in terms of the Board's Circular dated 7.5.1983 read with Circular dated 19.11.1974 as discussed above. Let the same be done within a period of two months from the date of receipt/production of a copy of this order and any further amount found due and payable to the petitioner on the basis of the said pay fixation shall be paid to him within a further period of two months thereafter."

2. These writ applications are also disposed of in the light of the order of this Court passed in case of Nawal Kishore Prasad Vs. Bihar State Electricity Board ( supra).

**(Chakradhari Sharan Singh, J)**

ArunKumar/-